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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,678	08/01/2001	Ralf Wichmann	LE 00/032 (7244*111)	6224

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EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/919,678	Applicant(s) WICHMANN ET AL.	
	Examiner Hoa V. Le	Art Unit 1752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 51-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:                                          |

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This is in response to Papers filed on 25 July 2003.

I. The record shows that there are several amendments. Applicants also admit that there is also literally disclosed. Applicants also fail to state that there is no new matter in each of the amendment. If a new matter is found, please see the authority stated in *Tronzo v. Biomet Inc.*, 41 USPQ2d 1403.

II. Claims 51-70 (with independent claim 51 as the main invention and dependent claims 52-70 as the secondary embodiments) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuse et al (5,453,348) considered in view of Price (6,013,422) and the known embodiments with respect to Craver et al (5,652,087) and Yamashita et al (5,635,341).

Kuse et al disclose, teach, demonstrate and reduce to practice with a bleaching comprising a sufficient amount ferric salt of propylenediaminetetraacetic acid and ethylenediaminetetraacetic acid as an adjacent homologue as a silver halide photographic bleaching agent. The solution is disclosed, taught and suggested to be used to oxidized or bleach silver in a color reversal photographic material. There is no suggestion of a color negative process. Please see the whole disclosure of each of the applied reference, especially in Kuse et al at col.87:30-32, "Bleaching solution" on col.103:48-56 and Experiments 1(3, 4, 5, 10 and 11 in Table 1 on cols.105 and 106 and "Bleach replenisher" in Example 7, TABLE 5, Experiment Nos. 5(2, 3, 4, 5, 6, 7, 8 and 9) on cols. 108-109. Price is cited to show a color reversal process,...especially with beta-alaninediacetic and alanineacetic acid as an adjacent homologue

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on col.5:59-60, col.10:42-53 and col.11:65 to 12:29. For an overflown process,...especially see Craver et al at col.1:39-54. For no ammonium ion,...especially see Yamashita et al at col.42:15-19. For new added embodiments in claims 59-66, Please see commercial products in Price at col.10:45-53 and col.11:66-67. They are all related to color reversal photographic materials and their processes as those claimed. It has a reason to expect to be the same or about the same.

Applicants are urged to show an evidence to the contrary since there is no evidence on the record that any the new added embodiments is novel. The showings in the instant applicants have been considered but have and are given a little to no value as broadly claimed. The language (at least includes 100% or is up to 200 g/m<sup>2</sup>). It is noted that a claim would have no value, if its embodiment is known in the art. Applicants must be shown or demonstrated that a claimed embodiment that the claimed embodiment in an embodiment in a claimed is new, novel or unusual or unexpected result for its patentability. The record shows that there is none with respect to the secondary embodiments in the dependent claims 52-70. They will be carefully examined and looked into each of them. Therefore, applicants should and are required to show or demonstrate each of their patentability in each of the embodiments in the dependent claimed. An argument alone would have and be given a little to no value for their patentability. It is now notified. It also would like to see a test result at about 0.000 1 minutes in a bleaching process as broadly claimed by applicants. However, if the claims are limited to at least 6 minutes in bleaching process as shown or demonstrated in the instant application, the claims may be allowable as shown and demonstrated to all materials and (processes including conditions such as times and temperature) only.

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III. Applicant's arguments filed 25 July 2003 have been fully considered but they are not persuasive.

Applicants recognize that Kuse et al and Yamashita et al disclose, teach and suggest a bleaching solution would be equally applied to oxidize or bleach silver on an exposed and color developed silver halide color reversal as that in any exposed and color developed silver halide photographic material as conventional or well known in the art but urge that a color reversal process is not provided in an example the applied references. It is submitted that a teaching or suggestion is not limited to an example. Would applicants limit their claims to their examples only in order for applicants' arguments to have and be given some merits?

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 703-308-2295. The examiner can normally be reached on 6:30AM-5:00PM, M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers of the examiner is 703-746-7172. . Since there is a newly electronic filing procedure for all initial communicating papers and all responses to an Office action, the examiner fax phone number is not for use to receive any fax in response to an Office action. Applicant is requested and required to send all initial communicating papers and all response to Office action to a central paper or fax receiving center for an electronic scanning procedure.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Hoa V. Le  
Primary Examiner  
Art Unit 1752

HVL  
04 August 2003

HOA VAN LE  
PRIMARY EXAMINER  
*Hoa Van Le*